

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID LEAPARD and IMF FINANCE SA on their :
own behalf and on behalf of all others similarly situated, :
:
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Plaintiffs, :
:
:

v.
:
:

ALLEN T.Y. CHAN, DAVID J. HORSLEY, :
KAI KIT POON, BANC OF AMERICA SECURITIES :
LLC, CREDIT SUISSE SECURITIES (USA) LLC, :
SINO-FOREST CORPORATION, ERNST & YOUNG :
GLOBAL LIMITED, and ERNST & YOUNG LLP, :
:
:

Defendants. :
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:

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Case No. 1:12-cv-01726 (AT)

AMENDED NOTICE OF DISMISSAL

PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Lead Plaintiffs David Leopard, IMF Finance SA, and Myong Hyon Yoo (“Lead Plaintiffs”) hereby dismiss this Action with prejudice as to defendants Credit Suisse Securities (USA) LLC and Merrill Lynch, Pierce, Fenner & Smith Incorporated, as successor by merger to Banc of America Securities LLC (herein “Underwriter Defendants” and together, with Lead Plaintiffs, the “Parties”).

WHEREAS the Parties stipulated to the dismissal of the Underwriter Defendants without prejudice on March 7, 2013 (Dkt. No. 37);

WHEREAS on June 9, 2015, Lead Plaintiffs informed this Court (Dkt. No. 50) of a pending settlement (the “Dealer Settlement”) that Plaintiffs in the Canadian Actions and Lead Plaintiffs in this Action reached with all underwriters party to the Sino-Forest Canadian Actions and this Action, which include Underwriter Defendants;

WHEREAS on June 9, 2015 and July 1, 2015, Lead Plaintiffs informed this Court of their intention to seek recognition of the Dealer Settlement in the U.S. Bankruptcy Court, if and when the Ontario Superior Court approved the pending Dealer Settlement, and that Lead Plaintiffs also intended to seek dismissal with prejudice of the Underwriter Defendants (Dkt. Nos. 50, 52);

WHEREAS on October 30, 2015, a final settlement approval hearing for the Dealer Settlement was held before Justice Geoffrey B. Morawetz of Ontario Superior Court of Justice and Justice Morawetz issued orders granting approval of the Dealer Settlement on that same day;

WHEREAS on November 23, 2015, a hearing to recognize the Dealer Settlement was held before the Honorable Martin Glenn, United States Bankruptcy Court, Southern District of New York;

WHEREAS on November 25, 2015, Judge Glenn issued an Order Recognizing and Enforcing Order of Ontario Superior Court Approving Dealers Settlement;

LEAD PLAINTIFF HEREBY INFORMS THE COURT THAT:

1. Lead Plaintiffs hereby amend the prior stipulation of dismissal of this Action with the Underwriter Defendants to the extent that such dismissal is now with prejudice as to all parties.

Dated: New York, New York
December 8, 2015

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Attorneys for Plaintiffs and the proposed class

SO ORDERED.

Dated: December 9, 2015
New York, New York



ANALISA TORRES
United States District Judge